



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,106	01/28/2004	Richard D. Ferris	FERR-004	9707

21884 7590 03/28/2005

WELSH & FLAXMAN LLC
2450 CRYSTAL DRIVE
SUITE 112
ARLINGTON, VA 22202

EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

82

Office Action Summary	Application No.	Applicant(s)	
	10/765,106	FERRIS, RICHARD D.	
	Examiner	Art Unit	
	Stephen L. Blau	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-7, 9-12, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cacicedo in view of Bloom, Radakovich and Takeuchi.

Cacicedo discloses a hand grip having an oval shape with a front edge having a larger radius than a rear edge (Fig. 10), an upper edge and a lower edge (Fig. 17), an oval cross section shape along substantially the entire handle between an upper and lower edge (Fig. 17), and a grip cap having no vent hole (Fig. 13) in order to establish a stiffness and feel to a hand grip (Abstract).

Cacicedo lacks a putter, an oval cross section shape along the entire handle between an upper and lower edge, a length dimension being perpendicular to a first plane of a ball striking face, alignment indicia on an upper edge with a first alignment line in a direction perpendicular to a first plane of a ball striking face, a second alignment line being perpendicular to a first alignment line, parallel to a ball striking face and intersecting a first alignment line.

Bloom discloses a putter (Fig. 4), an elongated axis of an oval, cross-sectional shape having a length being perpendicular to the plane of the ball striking face (Abstract), and an oval cross section shape along the entire handle between an upper and lower edge in order to have an ergonomic gripping surface that promotes a preferred palm and promotes proper hand and body placement (Abstract). In view of the patent of Bloom it would have been obvious to modify the club of Cacicedo to include a putter in order to utilize the advantages of establishing a stiffness and feel to a handgrip for a putter. In addition, in view of the patent of Bloom it would have been obvious to modify the club of Cacicedo to have an elongated axis of an oval along the entire handle between an upper and lower edge, cross-sectional shape having a length being perpendicular to the plane of the ball striking face in order to promote a preferred palm and promotes proper hand and body placement along handle and in order to have the same feel along the length of a grip.

Radakovich discloses a sighting device placed on a flat surface of a grip end (Fig. 4) having a length dimension being perpendicular to a first plane of a ball striking face, an alignment device on an upper edge with a first alignment line in a direction perpendicular to a first plane of a ball striking face, a second alignment line being perpendicular to a first alignment line, parallel to a ball striking face and intersecting a first alignment line at a center of a grip plugging a vent hole (Col. 5, Lns. 34-39) in order to improve accuracy (Col. 1, Lns. 7-10) by improving alignment and control of a face (Col. 1, Lns. 35-37). Takeuchi discloses alignment lines for grip positioning on a shaft being on a flat surface of a grip and being indicia (Fig. 5, Col. 4, Lns. 11-16) filling up

the entire length and width of a grip top flat surface except the center (Fig. 5). In view of the patent of Radakovich it would have been obvious to modify the putter of Cacicedo to have a sighting device placed on a flat surface of a grip end having a length dimension being perpendicular to a first plane of a ball striking face, an alignment device on an upper edge with a first alignment line in a direction perpendicular to a first plane of a ball striking face, a second alignment line being perpendicular to a first alignment line, parallel to a ball striking face and intersecting a first alignment line in order to assist a golfer in improving accuracy by improving alignment and control of a face of a club. In view of the patent of Radakovich and Takeuchi it would have been obvious to modify the putter of Cacicedo to have the alignment lines being indicia and taking up the entire length, width and center of a grip top flat surface in order to minimize the number of parts needed for a grip by having indicia and in order to be more visually visible for a golfer by using the entire surface for the alignment indicia. As such for an oval shaped grip a first alignment line will be longer than a second alignment line.

3. Claims 3, 8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cacicedo in view of Bloom, Radakovich and Takeuchi as applied to claims 1-2, 4-7, 9-12, and 14-15 above, and further in view of Eberle or Dishner.

Cacicedo lacks a handle extending at least half of the overall length of the club from the head to the upper end of a shaft. Eberle discloses an elongated handle having a generally oval, cross-sectional shape including rounded front and rear edges (Fig. 3), an elongated axis of an oval, cross-sectional shape being perpendicular to the plane of

Art Unit: 3711

the ball striking face (Col. 3, Lns. 55-57), and a handle having a length approximately half the overall length of the golf club (Fig. 1) in order to have a pendulum type putter (Col. 1, Lns. 7-32). Dishner discloses an elongated handle having a generally oval, cross-sectional shape including rounded front and rear edges (Fig. 3), and a handle having a length approximately half the overall length of the golf club (Figs. 5-6) in order to have a length adaptable to a wide variance of personal stances and physiognomy (Col. 4, Lns. 13-14). In view of the patents of Eberle or Dishner it would have been obvious to modify the putter of Cacicedo to have a handle extending at least half of the overall length of the club from the head to the upper end of a shaft in order to be able to modify the stiffness and feel for a handle of a pendulum type putter and to have a length adaptable to a wide variance of personal stances and physiognomy.

4. Claims 6-7, 9-12, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloom in view of Radakovich and Takeuchi.

Bloom discloses a putter (Fig. 4), an elongated axis of an oval, cross-sectional shape having a length being perpendicular to the plane of the ball striking face (Abstract), and an oval cross section shape along the entire handle between an upper and lower edge in order to have an ergonomic gripping surface that promotes a preferred palm and promotes proper hand and body placement (Abstract).

Boom lacks an alignment indicia on an upper edge with a first alignment line in a direction perpendicular to a first plane of a ball striking face, a second alignment line

being perpendicular to a first alignment line, parallel to a ball striking face and intersecting a first alignment line.

Radakovich discloses a sighting device placed on a flat surface of a grip end (Fig. 4) having a length dimension being perpendicular to a first plane of a ball striking face, an alignment device on an upper edge with a first alignment line in a direction perpendicular to a first plane of a ball striking face, a second alignment line being perpendicular to a first alignment line, parallel to a ball striking face and intersecting a first alignment line at a center of a grip plugging a vent hole (Col. 5, Lns. 34-39) in order to improve accuracy (Col. 1, Lns. 7-10) by improving alignment and control of a face (Col. 1, Lns. 35-37). Takeuchi discloses alignment lines for grip positioning on a shaft being on a flat surface of a grip and being indicia (Fig. 5, Col. 4, Lns. 11-16) filling up the entire length and width of a grip top flat surface except the center (Fig. 5). In view of the patent of Radakovich it would have been obvious to modify the putter of Boom to have a sighting device placed on a flat surface of a grip end (Fig. 4) having a length dimension being perpendicular to a first plane of a ball striking face, an alignment device on an upper edge with a first alignment line in a direction perpendicular to a first plane of a ball striking face, a second alignment line being perpendicular to a first alignment line, parallel to a ball striking face and intersecting a first alignment line in order to assist a golfer in improving accuracy by improving alignment and control of a face of a club. In view of the patent of Radakovich and Takeuchi it would have been obvious to modify the putter of Boom to have the alignment lines being indicia and taking up the entire length, width and center of a grip top flat surface in order to

minimize the number of parts needed for a grip and in order to be more visually visible for a golfer by using the entire surface for the alignment indicia. As such for an oval shaped grip a first alignment line will be longer than a second alignment line.

5. Claims 8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boom in view of Radakovich and Takeuchi as applied to claims 6-7, 9-12, and 14-15 above, and further in view of Eberle or Dishner.

Boom lacks a handle extending at least half of the overall length of the club from the head to the upper end of a shaft. Eberle discloses an elongated handle having a generally oval, cross-sectional shape including rounded front and rear edges (Fig. 3), an elongated axis of an oval, cross-sectional shape being perpendicular to the plane of the ball striking face (Col. 3, Lns. 55-57), and a handle having a length approximately half the overall length of the golf club (Fig. 1) in order to have a pendulum type putter (Col. 1, Lns. 7-32). Dishner discloses an elongated handle having a generally oval, cross-sectional shape including rounded front and rear edges (Fig. 3), and a handle having a length approximately half the overall length of the golf club (Figs. 5-6) in order to have a length adaptable to a wide variance of personal stances and physiognomy (Col. 4, Lns. 13-14). In view of the patents of Eberle or Dishner it would have been obvious to modify the putter of Boom to have a handle extending at least half of the overall length of the club from the head to the upper end of a shaft in order to have a length adaptable to a wide variance of personal stances and physiognomy.

6. Claims 11-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radakovich and Takeuchi.

Radakovich discloses a sighting device placed on a flat surface of a grip end (Fig. 4) having a length dimension being perpendicular to a first plane of a ball striking face, an alignment device on an upper edge with a first alignment line in a direction perpendicular to a first plane of a ball striking face, a second alignment line being perpendicular to a first alignment line, parallel to a ball striking face and intersecting a first alignment line at a center of a grip plugging a vent hole (Col. 5, Lns. 34-39), a flat upper surface (Fig. 4) and a handle and shaft being able to be used for a putter (Fig. 2) in order to improve accuracy (Col. 1, Lns. 7-10) by improving alignment and control of a face (Col. 1, Lns. 35-37).

Radakovich lacks an alignment lines being indicia. Takeuchi discloses alignment lines for grip positioning on a shaft being on a flat surface of a grip and being indicia (Fig. 5, Col. 4, Lns. 11-16) filling up the entire length and width of a grip top flat surface except the center (Fig. 5). In view of the patent of Takeuchi it would have been obvious to modify the club of Radakovich to have the alignment lines being indicia and taking up the entire length, width and center of a grip top flat surface in order to minimize the number of parts needed for a grip and in order to be more visually visible for a golfer by using the entire surface for the alignment indicia.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Radakovich in view of Takeuchi as applied to claims 11-12 and 15 above, and further in view of Eberle or Dishner.

Radakovich lacks a handle extending at least half of the overall length of the club from the head to the upper end of a shaft. Eberle discloses a handle having a length approximately half the overall length of the golf club (Fig. 1) in order to have a pendulum type putter (Col. 1, Lns. 7-32). Dishner discloses a handle having a length approximately half the overall length of the golf club (Figs. 5-6) in order to have a length adaptable to a wide variance of personal stances and physiognomy (Col. 4, Lns. 13-14). In view of the patents of Eberle or Dishner it would have been obvious to modify the club of Radakovich to have a handle extending at least half of the overall length of the club from the head to the upper end of a shaft in order to have a length adaptable to a wide variance of personal stances and physiognomy.

Response to Arguments

8. The argument that removing a vent hole of Takeuchi would destroy the reference of Takeuchi is disagreed with. It is well known to not have vent holes in grips. See the cross-sections of grips for Engfer (Fig. 2). Due to the new grounds of rejection this action is not made final.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 11 February 2005


STEPHEN BLAU
PRIMARY EXAMINER